UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	M-9919 -1D US
	First Named Inventor or Application Identifier	Roman C. Gutierrez & Tony K. Tang
	Title	Snap-Down Pivoting Optical Element
	Express Mail Label No.	EV252521002US

APPLICATION ELEMENTS
See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Commissioner for Patents
Mail Stop Patent Application
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form - *see page 2 of this form.*
   (Submit an original, and a duplicate for fee processing)
2. Application:
   ☒ Specification: (preferred arrangement set forth below)
      Descriptive title of the Invention,
      Cross References to Related Applications,
      Reference to Microfiche Appendix,
      Background of the Invention,
      Brief Summary of the Invention,
      Brief Description of the Drawings, and
      Detailed Description (all totaling 12 pages)
      Appendix(ces) ___,___, & ___ (___pages)
   ☒ Claim(s) 3 pages
   ☒ Abstract of the Disclosure _1_page
3. ☒ Formal Drawing(s) (35 USC 113)[Total Sheets _4_]
4. Declaration & Power of Attorney:
   a. ☐ Newly executed (original or copy)
   b. ☒ Copy from prior application (37 CFR §1.63(d))
      (for continuation/divisional with Box 17 completed)
   c. ☐ DELETION OF INVENTOR(S)
      Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference (useable if Box 4b is checked)
   The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program Appendix consisting of ____ pages of microfiche containing ___ frames on each page in accompanying envelope.
7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
   a. ☐ Computer Readable Copy
   b. ☐ Paper Copy (identical to computer copy)
   c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (from prior application) _ pages
9. ☐ 37 CFR §3.73(b) Statement ☒ Power of Attorney 2 pages
   (combined when there is an Assignee) with Patent Declaration above.)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS) & ☐ PTO-1449 ☐ ___Copies of IDS Citations/References
    References not included. Cited in parent application SN 09/451,677
12. ☒ Preliminary Amendment _4_ pages
13. ☒ Return Receipt Postcard (MPEP 503) (should be specifically itemized)
14. Small Entity Status
    ☐ Small Entity Statement Enclosed ___ pages
    ☒ Statement filed in prior application; and status still proper and desired
    ☐ Is no longer claimed.
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Other:
    ☐ Copy of Petition for Extension of Time filed in parent appln.;
    ☒ Request for Non-Publication

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information and a preliminary amendment:
☐ Continuation ☒ Divisional of prior application No. 09/870,967
Filed on May 31, 2001, entitled: Snap-Down Pivoting Optical Element
PRIOR APPLICATION INFORMATION: *Examiner* Euncha Cherry *Group Art Unit* 2872

18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label | or ☒ Correspondence address below

Name	Jon W. Hallman		Reg. No. 42,622	
Attorneys for Applicant	MacPherson Kwok Chen & Heid LLP			
Address	1762 Technology Drive, Suite 226			
City	San Jose	State CA	Zip Code 95110	
Country:	United States	Telephone (949) 752-7040	Fax	(408) 392-9262

Please type a plus sign (+) inside this box ⇒ 　+

19. Fee calculations.

CLAIMS (Number Filed)	(1) FOR	(2)		(3) NUMBER EXTRA		(4) RATE		(5) CALCULATIONS
19	TOTAL CLAIMS (37 CFR 1.16(c))	2-20	=	0	x	$18	=	$0.00
1	INDEPENDENT CLAIMS (37 CFR 1.16(b))	2-3	=	0	x	$84	=	$0.00
☐	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.18(d))				+	$280.00	=	
					BASIC FEE (37 CFR 1.16(a))		=	$ 375.00
					Total of above Calculations		=	$0.00
				Reduction by 50% for filing by small entity (Note 31 CFR 1.9, 1.27, 1.28).			=	
						TOTAL	=	$375.00

20. <u>FEES</u>: 　The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. **50-2257**:

　　a. ☒ Fees required under 37 CFR 1.16. (U.S. Application Filing Fees)
　　b. ☒ Fees required under 37 CFR 1.17. (Conditional Extension of Time Fees)
　　c. ☐ Fees required under 37 CFR 1.18. (Patent Issue Fees)

21. 　☐ Other: _____

NOTE:	The prior application's correspondence address will carry over to this UPA UNLESS a new correspondence address is provided below.

22. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label 　　　　　　　　　　　　　　　　　　　☐ New correspondence address below

NAME				
ADDRESS				
CITY				
COUNTRY		TELEPHONE		FAX

23. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

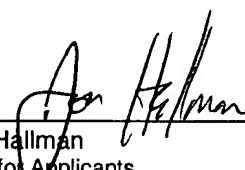|	
MacPherson Kwok Chen & Heid LLP 1762 Technology Drive, Suite 226 San Jose, CA 95110 Tel. (949) 752-7040　　　Fax. (408) 392-9262	
Date:	September 12, 2003
Name	Jon W. Hallman 　　　　　　Reg. No. 42,622
Signature	
Express Mail Label No.	EV252521002US

MODIFIED PTO/SB/35 (11-00)

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)	Inventors	Roman C. Gutierrez & Tony K. Tang
	Title	Snap-Down Pivoting Optical Element
	Atty Docket Number	M-9919-1D US

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

September 12, 2003
Date

Jon W. Hallman
Attorney for Applicants
Reg. No.: 42,622

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing.**

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

7 CFR 1.213(a) provides for a request that an application not be published under 35 U.S.C. 122(b). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. SEND TO: Commissioner for Patents, Washington, DC 20231.